

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
ANWAR RAO, et al.,)	No. 4:14CR150 JAR/TCM
GREG SLOAN, et al.,)	No. 4:14CR152 RWS/NCC
MARK PALMER, et al., and)	No. 4:14CR175 AGF/DDN
PAMELA TABATT, et al.,)	No. 4:14CR187JAR/DDN
)	
Defendants.)	

**GOVERNMENT'S STATUS REPORT REGARDING PRE-TRIAL
DISCLOSURE OF EVIDENCE**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and James C. Delworth, Jennifer Winfield and Erin Granger, Assistant United States Attorneys for said district, and files this status response pursuant to the oral request of the Court during a pretrial conference on December 18, 2014, regarding pre-trial disclosure of evidence.

This status report will supplement the initial status report filed on December 1, 2014. On December 4, 2014, the government made arrangements for the viewing of evidence at the Customs and Border Protection storage facility in St. Louis. This is one of a number of facilities being utilized to store evidence in this case. Most of the items were stored in large cardboard boxes. The Government displayed the contents of two of the boxes which had various synthetic drug products and raw synthetic material. Pursuant to a request by counsel for one of the defendants, a third box was opened which also contained one line of synthetic drug

products. Defense counsel were permitted to take photographs and case agents were available for questions.

On December 12, 2014, the government sent out an e-mail to defense counsel with a proposed motion for protective order and solicited comments or proposed changes to the motion. The motion was filed with the Court on December 17, 2014.

On December 18, 2014, Batch 6 and 6A were sent to defense counsel. Batch 6 contained discovery disclosed to all defense counsel. Some defense counsel called to indicate that many/most of the documents in Batch 6 were blank pages. The control copies of the discs as well as the copy of the records in the directory were the same such that it appears there was a system glitch in the exporting process. This has been reported to the office IT specialist who will be in the office on Monday, January 5, 2014 to address the problem. An e-mail to defense counsel regarding this problem was sent out on December 30, 2014.

The material contained in Batch 6A does not appear to be affected. Batch 6A contained e-mails, financial records and other personal information that was disclosed solely to the defendant who had control over the material prior to its seizure. In light of potential personal privacy interests, the disclosure of this information was only made (Batch 6A) to the defendants who were the account holders and/or had ownership or possessory interests in the seized material. This was the same procedure utilized for the disclosure of Batch 4. The government notified all defense counsel by e-mail on November 14, 2014, that it would make full disclosure of this information to all defense counsel upon consent of each defendant with such an interest and subject to a protective order by the Court limiting usage and disclosure to the defense in each case. This methodology was discussed with the Court and defense counsel at a discovery status conference on October 31, 2014.

The government is in the process of putting together the material for disclosure in Batch 7.

Finally, during the course of the investigation, the government seized a number of electronic storage devices including computers, laptops and telephones. Searches were undertaken pursuant to search warrants or consent searches. While the government will make available all electronic evidence that it intends to utilize at trial as well as any favorable evidence discovered, it will also make available to defense counsel, an image of the computer. Some of the electronic evidence may potentially contain personal information including but not limited to bank account numbers, financial documents, family photographs, personal e-mails, nude photographs and other material. In light of potential personal privacy interests, the government will make available on Addonics drives, an image of the computers only to those defendants from whom the device was seized. Upon consent of the defendant and subject to a protective order, the government would be willing to make the drives available to all other defense counsel. The Addonics drives will be loaned out for one week during which time they may be examined and/or copied before being returned to the United States Attorney's Office.

It is anticipated that Batch 7 will complete the majority of the discovery to be produced by the government. However, discovery will be an ongoing process. There were a large number of drug seizures in this case with corresponding requests for lab analysis. While the majority of lab reports have been disclosed, the government is still awaiting lab analysis on some seizures and will produce the resulting reports as soon as they are seized. Additionally, while the majority of electronic storage devices have been searched, the government is still awaiting the search results from a few devices. This includes a tablet seized from defendant Wolfe which was password protected and a second computer which had a hard drive that was difficult

to access. The work done to search these items has been time consuming. Any additional discovery will be produced to defense counsel within a reasonable time following receipt by the government.

WHEREFORE, the Government hereby files this status report regarding the production of discovery undertaken from the period of the December 1, 2014 status report to the present.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of December, 2014, the foregoing was filed electronically with the Clerk of the Court for the United States District Court, Eastern District of Missouri, to be filed by operation of the Court's electronic filing system upon:

All Counsel of Record for defendants.

/s/James C. Delworth

JAMES C. DELWORTH

Assistant United States Attorney